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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,599	05/26/2000	KAZUO IMAMURA	0819-383	3944

7590 08/27/2002
SIXBEY FRIEDMAN LEEDOM & FERGUSON
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER

KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,599

Applicant(s)

IMAMURA ET AL.

Examiner

Kevin C Kianni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 20-38 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention consisting of three distinct species of Group I, claims 20-31, Group II, claims 32-36 and Group III, claims 37-38, as follows:

I. Independent claims 20, 25, 28 and 29 are directed toward fiber grating comprising grating fiber core, a coat layer for coating an outer surface of cladding in which the coat layer is made from a UV transmitting resin and used for writing the grating and of curing by absorbing UV of a shorter wavelength band or a lower wavelength band than the specific wavelength band.

II. Independent claims 33, 34 and 35 are directed toward grating with a predetermined grating pitch in which tensile strain applied along the fiber and a tension release step of shifting the grating pitch of the grating written in the core toward a shorter wavelength by releasing application of the tensile force after irradiation

III. Independent claim 37 is directed toward grating fiber in which two portions of the fiber are fixed away, by winding reels, from each other for purpose of fiber grating and moving means for forcedly moving, by a motor, at least one of the pair of fixing means along the fiber away from and toward the other pair wherein winding reels fix the optical fiber with frictional resistance against the optical fiber.

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The reasons for restricting the claims 20-38 into three groups are because group I consisting of the independent claims 20, 25, 28 and 29 are directed toward fiber grating comprising grating fiber core, a coat layer for coating an outer surface of cladding in which the coat layer is made from a UV transmitting resin and used for writing the grating and of curing by absorbing UV of a shorter wavelength band or a lower wavelength band than the specific wavelength band; while, while group II, the independent claims 33, 34 and 35 are directed toward grating with a predetermined grating pitch in which tensile strain applied along the fiber and a tension release step of shifting the grating pitch of the grating written in the core toward a shorter wavelength by releasing application of the tensile force after irradiation; and while group III, independent claim 37 is directed toward grating fiber in which two portions of the fiber are fixed away, by winding reels, from each other for purpose of fiber grating and moving means for forcedly moving, by a motor, at least one of the pair of fixing means along the fiber away from and toward the other pair wherein winding reels fix the optical fiber with frictional resistance against the optical fiber are searchable in different classes/subclass.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, groups I, II and II are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on 9:30-18.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5401 for regular communications and (703) 308-5401 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4770.


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Kevin C Kianni
Examiner: Kianni
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Kevin Cyrus Kianni
Patent Examiner
Group Art Unit 2877


Frank Font
Supervisory Patent Examiner
Group Art Unit 2877

August 21, 2002